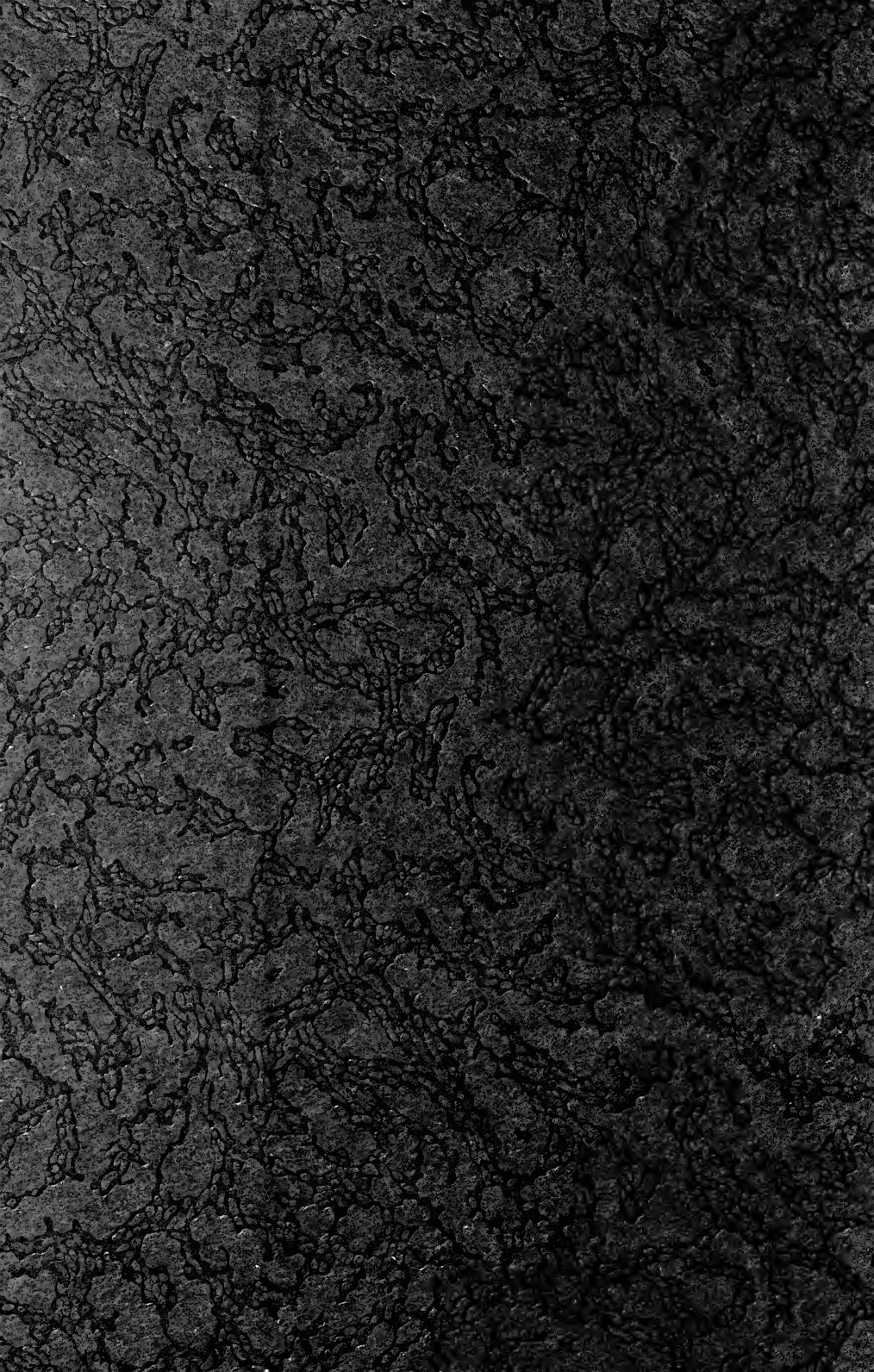


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OUR NATIONAL PROBLEM

The Sad Condition of the Oklahoma Indians

By Warren K. Moorehead, Member of the United States
Board of Indian Commissioners



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FOREWORD.

For a number of years, those of us who have kept in touch with the Indian situation generally in the United States have known that a very bad condition obtained among the Indians known as the Five Civilized Tribes, and living in the State of Oklahoma.

On May 17th, 1912, the Chairman of the Board of Indian Commissioners, Honorable George Vaux, Jr., visited Oklahoma and spent some time traveling through the Cherokee, Creek and Seminole countries. He was accompanied by Dana H. Kelsey, Esq., superintendent of the Union Indian Agency, having in charge the Five Civilized Tribes. Mr. Vaux's findings were published in the 43rd Annual Report of the Board, 1912.

Briefly, he finds that while some of the Indians are progressive and well to do, the bulk of them are in far from satisfactory condition. Mr. Vaux, in addition to his able report on the situation, spoke at some length at the "Conference of the Friends of the Indian and Other Dependent Peoples," at Lake Mohonk, in October, 1912. He advocated more protection for our wards.

Desiring to study the Oklahoma situation in its broader aspects, I visited Oklahoma in March, 1913, in company with J. Weston Allen, Esq., who represented the Boston Indian Citizenship Committee and other organizations. We spent considerable time not only in consultation with various Government officials and private citizens, but also in driving over the Creek, Seminole and Cherokee countries.

Mr. Allen remained after I returned east, and drove many miles through the region inhabited by the Choctaw and Chickasaw Indians, and made a report to me on the situation as he found it.

Exclusive of railway travel, our overland trips about the state totalled some 600 miles.

Both of us took numerous photographs showing the actual conditions under which the Indians are living.

It is neither a pleasure nor a personal satisfaction to me to present to the American public so sad a story as is outlined in the pages which follow. I do not wish to be a pessimist, but the American people should know precisely and exactly what has been going on in the new state of Oklahoma. The sole purpose of this exposé IS TO AROUSE, if possible, the American conscience, and to bring pressure to bear on Congress in order that we may end an intolerable condition. It has been stated in the public press of Oklahoma that I wish to attack the fair name of that state. This is not correct. I make public the wrongs of the Indians and expose what has been done to them. Whether our national Government or the State of Oklahoma are to blame, readers may decide.

In this pamphlet I expand my original report and findings, made to Honorable George Vaux, Jr., Chairman of our Board; and my briefer reports to the Honorable Secretary of the Interior.

WHAT THE REAL TROUBLE IS.

Readers who wish to ascertain the status of the Five Civilized Tribes residing in what was formerly Indian Territory, now Oklahoma; all persons who desire to learn regarding the treaties, the various agreements, the investigations, the Dawes Commission, etc., etc., are referred to the voluminous public documents. These are too numerous and lengthy to be cited in my report.* I am assuming that readers will be sufficiently interested to consult at least some of the multitudinous documents with reference to Oklahoma.

Briefly summed up, and omitting all references, the situation is this:

First: when we moved these Indians west of the Mississippi river about 1833, we solemnly promised them that they should remain undisturbed on the land selected by them in Indian Territory. **We have not kept that promise.**

Second: when Oklahoma became a state, its representatives made equally solemn promises as to the safeguarding and care of the rights of these Indians. **These promises have not been kept.**

Third: we, the American people, gave these Indians land in severalty and promised that they should reside upon their farms, homesteads, or allotments in peace and security. We told them that they would be protected, even as are white citizens of the Republic. For the third time, **we have lied to these Indians.**

Any person who reads these pages may verify the statements made herein by a trip to Oklahoma. If the reader is unable to visit the state and inspect the homes of the Indians and hear their stories, he or she can obtain sufficient evidence through publications of the Interior Department, the reports of the Commissioners of the Five Civilized Tribes and findings of Congressional investigation of the McMurray contracts, et al. If the reader is too busy to do even this, yet desires to satisfy himself, he can address Honorable M. L. Mott, attorney for the Creek Indians of Muskogee, Oklahoma. Mr. Mott will send him a copy of the speech of Honorable Charles H. Burke delivered in the House of Representatives, December 13th, 1912. As will be set forth presently, in my report, the Governor of Oklahoma investigated the truth of Mr. Mott's contentions and verified them.

The condition of the Indians is indeed deplorable, and I shall now set forth in some detail what Mr. Allen and myself observed in traveling through the land formerly owned by the Five Civilized Tribes.

During our investigation we conferred with Superintend-

*Reports of the Dawes Commission; Oklahoma Red Book; Hand Book of American Indians; Senate, House, Secretary Interior and Commissioner Indian Affairs Reports 1890 to 1913. One may estimate the Oklahoma Indian published data at 20,000 pages.

ent Dana H. Kelsey; Mr. M. L. Mott, attorney for the Creek Indians; J. G. Wright, Esquire, Commissioner for the Five Civilized Tribes; Mr. Grant Foreman and others. After some discussion of the Indian problems, we desired to observe how the negroes (who were among the first to have restrictions removed) had prospered under the new régime. I here insert a portion of my first report to Chairman Vaux of our Board.

INDIAN FREEDMEN IN EASTERN OKLAHOMA.

Included with the Indians of the Five Civilized Tribes (Creeks, Choctaws, Chickasaws, Cherokees and Seminoles) are many thousands of negroes, known as freedmen. The parents, or grandparents, of these accompanied the Five Civilized Tribes when they were removed, in 1833, from their original original homes east of the Mississippi River.

At first, these blacks were regarded as beneath the Red man, for they occupied the position of slaves in most instances, but as time passed these blacks either intermarried, or were elevated in the social scale until, finally, they were given verbal recognition along with the Indians, and in some tribes were allotted land.

In 1902, Congress placed a five-year restriction on their allotments, but instead of permitting this wise provision to continue in force until the year 1907, pressure was brought to bear, and Congress removed all restrictions from the lands of the freedmen in the spring of 1904, except their homesteads.

As in the case of mixed blood and other unrestricted Indians, these freedmen immediately became the prey of designing white men. And today, during one's travels in Oklahoma, one finds few freedmen living on their original allotments as owners. That is, while they may occupy the position of renters, very few of them have been able to retain their lands.

North and northwest of the beautiful and prosperous city of Muskogee are tracts of land varying from ten to as high as one hundred acres of good land on which reside these poor people. I visited twenty or thirty of the cabins, and found but two persons who claimed that they had been able to retain their property. Most of the negroes are renters, and a few have come in recent years from Tennessee, Arkansas or elsewhere. Those who are today renting their farms are, for the most part, living on the lands originally allotted to other freedmen. Frequently the white buyer of a negro allotment will permit the family to live there and pay a certain percent or rental for the use of the property which once belonged to him. The cabins are, for the most part, flimsy affairs, rudely furnished, although fairly clean.

The staple crops are cotton, corn and potatoes.

Most of these negroes we found working in the fields. They seem industrious. The average white man, having lost his property through no fault of his own, would be disinclined to work, but the optimistic nature of the negro sustains him, and he begins anew.

Many of these persons inherited allotments through the decease of relatives. Such lands are all sold.

Lands lying in the bottom flanking the Arkansas River, are, of course, the most valuable. Those on second bottom also, have a high value; but there is some land in what is known as 3d or 4th grade, lying on high ground or back in the hills. These lands, according to locality, vary from \$100.00 to as low as \$5.00 and \$6.00 per acre. Speaking generally, forty to sixty acres would be sufficient for the maintenance of a family if properly farmed.

Andrew Peters was the owner of his own allotment, and the heir to the allotments of four deceased relatives. Soon after these relatives died he was approached by some parties who induced him to enter into an agreement with a firm of attorneys who undertook to establish his right as an heir to these lands, an adverse claim having been made by some other parties. Suit was started and after pending for a long time he was approached by a colored man of some standing and experience, who told him if he would make a contract with him a settlement could be brought about, and the litigation terminated. He complied by executing what afterwards developed to be a conveyance of all his interest in this inherited property to the man who pretended to be his friend. Long afterwards, he learned that he had conveyed all his rights in the land, and he states that the interest so conveyed was worth several thousand dollars. Though he attempted to recover from the man who had defrauded him, the transaction resulted in a total loss to him.

He was almost as unfortunate with his own allotment, having executed a warranty deed to part of it as security for a loan, and becoming further indebted to the parties from whom the loan was made, was forced to see all of his land pass from him for a grossly inadequate consideration. He is now paying rent for the right to occupy part of the land which was allotted to him.

THE CASE OF A FREEDWOMAN BY THE NAME OF MARY COLLINS.

This woman was swindled out of one or two tracts of land, and her daughter, who is subject to epilepsy, lost her property. According to the testimony, the daughter while still a minor, was approached by a citizen of Muskogee and persuaded to borrow \$100.00. She signed what she supposed was a mortgage. Her mother, a quite intelligent Creek freedwoman, hearing of her daughter's act, took her savings, amounting to some more than \$100.00, and visited the business office of the white man. He refused to receive the money and cancel the mortgage and, according to her further statement, informed her that the daughter had given a deed to the land. The woman persisted, and the white man then cursed her and drove her from his office. She is now living on a minor child's restricted allotment. It seems that many of the freedmen, as well as the Indians, who have lost property now reside upon the estates of protected minors. If the restrictions are removed from the allotments of these minors (as has been urged by the Congressional delegation from Oklahoma) untold thousands of Indians, as well as these freedmen, will have no place of residence.

THE CASE OF PETER WASHINGTON.

In this particular and complicated affair are mingled both pathos and humor. Here we have a part Indian and part Cherokee native, who is grossly incompetent to manage his own affairs. He can neither read nor write, and it is necessary for him to employ an interpreter when he attempts to transact business.

He has had in his possession several thousands of dollars on four or five different occasions and, through the influence of two white men who pursue him relentlessly, he has been reduced to poverty. He lost his own land, that of his first wife, that of the second wife, and the property of one or two deceased children. The total amount of property this man inherited must have been five hundred or more acres. At one time he mortgaged his horses, wagons, farming implements and household goods for the sum of \$80.00, so he supposed. At the end of a few months it was discovered that he had signed a mortgage for \$150.00. He paid \$125.00 on this mortgage, and some months later was informed by the same two white men that he now owed \$225.00, and immediate settlement was demanded. He consulted an attorney who advised him to resist the removal of his property, and for three or four months he was able to defend his possessions. Leaving home for a day, on his return he found all his property had been removed. Legal action followed, and he was able to recover about half of it.

Twenty-four hours after the death of his second wife, he was persuaded to sell her farm for \$3,000.00, which was deposited in one of the banks of Muskogee. In twenty-one days these two white men had dispossessed him of this money. He is one of the heirs to an oil property and receives a small monthly allowance or royalty, and this is his main support.

The above instances, which are but a few of some thousands on record in Muskogee, are typical of the present situation. It seems to matter little whether negroes or Indians hold the property. With rare exceptions, they are unable to withstand the advances of sharp and keen white men. Mr. Grant Foreman, an attorney in Muskogee, who has investigated many cases, stated to me that about one in eight of these people had held his property, or part of it, and that the remaining seven out of every eight had either sold or been swindled out of their possessions.

The situation of these freedmen is illuminating in that it presents forcibly the folly of removing restrictions from incompetent persons. It was claimed when the restrictions were removed, thus enabling the freedmen as citizens to dispose of the property as they saw fit, that they would conserve the property, or, at least, retain a considerable portion of it. Contrary to this supposition, the freedmen were dispossessed quite as expeditiously as were the Indians.

Waiving any humanitarian consideration, it is certainly a very short-sighted and disastrous business policy, for we are making a few white men rich, but at the cost of producing unnumbered paupers.

THE INDIANS DISPOSSESSED.

After driving through the regions south, southwest and southeast of Muskogee, we went to Sapulpa and drove over Creek County to Bristow, spending the night there and then drove to Beggs. We frequently departed from the main road and drove three or four miles into the hills and visited outlying Indian cabins.

The country is diversified, part being very rich land in the bottoms lying along streams, other portions are prairie lands of fair grades, and there is also much hilly and stony ground of little value.

Stretches of fairly good land where some cotton can be raised or cattle can be grazed to advantage, are in evidence.

One finds that in the valleys where the land is very good, with few exceptions, the Indians have either leased their land to white farmers or have lost their lands. It is rare to see an Indian living upon either his homestead or his inherited unrestricted land. This is for the reason that he has been defrauded out of it.

We drove a total of nearly 75 miles during the two days, and visited fifty or sixty cabins and passed more than one hundred at which we did not stop. The story differed very little from that to be related after an inspection of most parts of Oklahoma. Put into the language of the grafters, the brief story is: "The sooner the Indians are separated from their lands the better for us."

THE STORY OF MR. BURNETT.

Sapulpa is a new looking, clean town. It was built in the "boom" period between 1906 and 1910. I mean by that that its greatest activity in the way of building occurred at that time. It has a very fine school house and the streets would be a credit to an eastern city. If anything, there has been too much paving and building and the growth is not natural, but rather forced. This accounts for the fact that taxes are rather high, as in some other towns. Future generations will benefit by the foresight of the builders of Sapulpa although the present generation may be called upon to pay the fiddler. I think its history during the times when dealing in Indian lands was at its height, and when the famous dispute over the townsites occurred, must have been striking.

Many years ago there came a man to Sapulpa by the name of Burnett. He had two sons, who appeared to be very enterprising young men. These two young men and their father started a bank about the year 1908. When the bank suspended the father committed suicide. The sons had the bank reopened and continued business until the year 1912, when the bank "failed up."

B. B. Burnett was concerned in cases of six Creek children, he acting as guardian. Most of these minors owned valuable property. Now, in all my travels in Oklahoma and talking with many people, I have found few guardians who wished to act for minors who had very little property. The Government officials inform me that Burnett deposited the money belonging to these heirs in his bank and charged himself with six percent on the deposit.

There were two children named Bessie Clayton and William McKinley Clayton. Bessie and William had \$55,000.00 in cash in September, 1911, when B. B. Burnett was guardian. He made no report in 1912, he resigned in January, 1913, while a motion for his removal was pending.

This same Burnett was guardian for Gracie Berryhill, a Creek minor, and he resigned his office in the summer of 1912, after a new guardian had been appointed in the State of Texas, where the minor had been removed pending proceedings to oust Mr. Burnett, the philanthropic guardian. This girl had \$50,000.00 on hand when Burnett became guardian. No final report has been made, although he has been asked to file an accounting. A suit has been instituted for the sum of \$75,000.00 against Mr. Burnett. Among the assets shown to the Texas guardian are some certificates of deposit in the bank that failed, for sums of \$20,000.00. These were not paid by the Banking Board from the State's guarantee fund, for the reason the State claims that such certificates were not based on bonafide deposits.

After a fight of four years, the cases of the Durant children, for whom Mr. Burnett was guardian, were removed to Muskogee County from Creek County. In his report Mr. Burnett showed a balance of \$700.00 due himself. The Southern Surety Company, a bonding company well known throughout the South, has paid \$40,000 to clear up the Burnett matters.

It may interest readers to know that both of the Burnetts are in jail and have been there for some time. The charge is contempt of court. It seems that when the bank failed they produced a new set of books and that the old ones have not been submitted to the court. Just why a new set of books was so suddenly prepared is a question which the court would like to have answered. But the Burnett brothers being so engrossed in their generous administration of the affairs of minor children, have not found time to satisfactorily explain the disappearance of the books. This is the real reason that the Burnett brothers languish in jail, I am told. How the children's estates have been handled does not concern the authorities, it seems, so much as the contempt of court charge.

THE STORY OF LENA COSAR.

This young woman is a full blood Creek minor and lives in Creek County. Her former guardian was J. P. Solis. He made a report covering the period between the middle of 1910 and March, 1912. Upon his death Joe Bruner became guardian. This report showed that Solis, as guardian, purchased \$2,650.00 worth of bank stock in the Oklahoma State Bank of Sapulpa. This stock was sold to him at par. After the death of Solis an attempt was made to secure the approval of the purchase of stock in the above-named bank. But the guardian, Mr. Bruner, resisted payment. He inquired of the bank examiner of the condition of the Sapulpa bank, and it was reported to him to be solvent, and although the surplus on hand showed impossibility of declaring any dividend, however, an affidavit by an officer of the bank set forth that a ten percent divi-

dend would be declared. The court was advised by the guardian that it would have to assume responsibility for this purchase. Guardian Bruner was compelled to take the stock, the stock was assessed one hundred cents on the dollar and shortly thereafter the bank was closed.

William P. Morton, Guardian:

This man was guardian in thirty-one cases involving more than fifty minors. In all but one case Morton as guardian had been dealing with Morton Brothers in the purchase of merchandise for his wards. There is but one exception, that is of a minor eighteen years of age who was away at school. A government officer on behalf of these minors protested against such practice and asked to file exceptions and proceed in all of these cases. I am informed that the judge did nothing.

The case of J. Wolf, deceased:

He owned 160 acres of valuable land. There were two heirs, Lucy Cooper and Ahsey Brown. This land was sold for \$1200.00, and there was \$600.00 due each heir. The court record of Tulsa County shows \$800.00 expense which it was claimed is the indebtedness of the deceased. There was also a charge of \$50.00 for the advance of money to the heirs. Under the statute one cannot charge a full blood Indian's estate with debts, yet the ignorant heirs allowed this to be settled at their expense.

Ahsey Brown said that she had been carried to the town of Tulsa under representation, that her brother's land had been sold, and that \$170.00 was coming to her. She signed papers and never knew that the land had been sold for \$1200.00.

Continuation of William P. Morton, guardian:

This man had a ward named Sam Bighead, a full blood Indian boy five years of age, who owned 560 acres of valuable land, much of which produced oil. Eighty acres of this land was sold for the sum of \$10,000.00 cash. Although this boy owned 480 acres of land and \$10,000.00 cash, he was placed in the Creek Orphan Asylum where he died May 18, 1910. This boy, entitled to proper care and treatment, yet was placed with the children of paupers. Why his guardian wished to have on hand such a large sum of cash, all of which was unnecessary for the maintenance of the ward, since the ward was a public charge, passes our comprehension. One may theorize that it was because he wished to use this fund in other ways.

When the poor boy died, there was left of his \$10,000.00, \$2,884.30 in cash, and a \$5,000.00 loan on first mortgage.

Death did not stay the actions of the guardian; he became appointed administrator. As administrator he accounted for \$11,424.30. He reported that \$6,074.96 was the balance on hand of the estate. Of this sum \$5,627.00 was divided into four equal parts for four heirs. However, the government special agent Farrar contends that in three of these cases attorney fees of 25 percent each were charged. So finally, out of the estate of \$11,424.00, \$4,409.85 was placed in the

hands of the heirs. How can some Oklahoma citizens clamor for withdrawal of Government supervision after reading this story?

Mattie West sold 80 acres of land to a man named Cahill. The Indian claims that she was promised \$500.00, but received \$64.00. She says she does not understand the transaction.

Case of Yarma Harjo:

This Indian says that several of the heirs were kept going from one place to another on the cars. That is, they visited various towns to sell their land. The price was to be \$600.00, but the attorneys claimed that this traveling used up all of the money and, therefore, that only \$75.00 was coming to them out of the promised \$600.00. The deal was \$600.00 for 160 acres of good land.

The case of Reuben McClish:

He lived in Chickasha Nation and had a guardian. This child had been left \$6,000.00 and the guardian had given a bond for \$3,000.00. The Government agents checked up the accounts and found the guardian was short in the sum of \$4,400.00. The county authorities did not seem inclined to take action, so the bondsmen were sued. The guardian's partner, a lawyer, was allowed an attorney fee of \$500.00, and the guardian himself was allowed \$500.00. This was in addition to the shortage of \$4,400.00. The child was not educated by the guardian, and is now being cared for by his aunt, having no other means of support.

One observes a great many cases in Oklahoma such as we heard when we called at the cabin of Sampson Seber. He is a full blood and fairly intelligent. Mr. Maxwell, assistant to District Agent, Mr. McDaniels, sold some surplus land for Sampson, and as the sum mounted well he built Sampson a substantial house; and this home, by the way, is an excellent illustration of what the field men are doing for the Indians. We saw many such homes. Where the Government men have been given a free hand they have accomplished wonders. Why the Oklahoma delegation in Congress wished to cut off their appropriation is a mystery.

Sampson stated to us that he owned coal land. Benjamin Greenwood is his guardian, and Sampson says Ben is not a good guardian. For some time he received small royalties from coal mining, but now gets none, and claims none has been paid for five years, although mining goes on year after year.

Much of the money owned by minor heirs and incompetents is loaned by guardians on property in Sapulpa so persons in authority inform me. Robert Pittman, Jr., has approximately \$175,000 invested this way. He is a Creek minor. The property is generally mortgaged at full value at the time of the "boom" in 1908, and has since depreciated about 60 percent of value, so an official states. As the new oil city of Tulsa is now "booming," and Sapulpa rather dull in a business sense, if foreclosures of mortgages ensue, the minors will lose heavily.

THE SALLY LEE CASE.

She is a full blood Creek, aged 17. Guardian John Egan, president of the former Oklahoma State Bank of Sapulpa, one day, so the record states, conveyed a tract of 15 acres of land he owned (worth \$50.00 an acre) to his white daughter, Minnie. On the following day he, as guardian, purchased this same property from Minnie for his ward, Sallie Lee, for the sum of \$8,000. For pure nerve this transaction ranks high even in "The Land of Guardians."

Upon institution of suit by the Government, a compromise was effected under which some other land was deeded to Sallie Lee by the guardian, reducing the purchase price from \$8,000 to \$2,500.00.

In spite of this transaction, when Sally Lee became of age Egan filed a petition to have her declared incompetent. He prayed that he be made guardian. Over the vigorous protest of the Government, the Court ruled that Egan should manage her affairs, and he was appointed guardian. The judge had told the Government officer that he would not appoint Egan as guardian, but Egan secured the position. With such cases as these and others on record, and available for inspection on the part of any citizen who will take the trouble to look them up, the force of Mott's claim that these local men are not proper guardians and have no conception of the sacredness of their trust, becomes apparent.

In and about Sapulpa there are nearly 1200 guardian cases, a large proportion of which are tainted with fraud.

Sapulpa boasts of a fine hotel, erected by citizens of means. One Burnett, guardian of the Clayton children, put \$7,500 of his wards' funds into this building. It has never returned interest on the investment.

I am informed that in Tulsa County there are some 300 guardians of minors' estates or administrators of incompetents, who have not filed complete records or are delinquent in their records. Numbers of these guardians have never filed any reports whatsoever.

The cases cited in this article indicate more than any words of mine the situation of affairs among the Indians and the responsibility resting upon the white citizens of our Republic to see to it that such an intolerable condition is brought to an end.

SOME GOOD CITIZENS.

Up to the present, in this statement, I have spoken of those who have profited through dealings in Indian lands. Before taking up the problems of the Indian minors, the local courts, the oil leases, etc., it might be well to say something regarding several conscientious, high-minded and worthy men who have done their level best to prevent the robbery of Oklahoma's Indians.

Superintendent Dana H. Kelsey has in charge the administration of the Indian estates, the schools, etc., of the Five Civilized Tribes. Mr. Kelsey reports to the Secretary of the Interior and the Indian office. He has been the subject of criticism on the part of

those who wish to have the remaining restrictions on Indian properties removed in order that the looting be complete. Mr. Kelsey's task protecting his wards is often unpleasant. In my recommendations I shall speak further of his good work. He deserves the commendation of all believers in justice and fair play.

The Commissioner of the Five Civilized Tribes, J. George Wright, Esq., has carried on the work of the Dawes Commission and is rapidly bringing it to a close. He thoroughly understands the needs of these Indians, but, like Mr. Kelsey, is powerless to do all that should be done in behalf of the Indians because public sentiment is not only against protection, but he has not sufficient power and authority.

I wish to commend the work of Honorable M. L. Mott, attorney of the Creek Indians. Mr. Mott's career should be taken by all persons in the service as a model, an example. For nine years he has fought—frequently almost alone—against the influences for evil in the state of Oklahoma. His tribe is now richer than when he became attorney. This cannot be said of all Indian attorneys. Mr. Mott has a clear insight and a firm grasp of the entire situation when he states that what the Indian Service in Oklahoma needs above everything else is fighting men. His contention that the removal of further restrictions and the placing of the remaining restricted Indians under the control of the State of Oklahoma spells disaster for the Indian—and worse than disaster—is correct and fully justified by the facts.

Mr. P. J. Hurley, attorney for the Choctaws, has waged battle against the McMurray interests, and up to the present has defeated the enforcement of the McMurray contracts. These, if carried into effect, would mean the loss of hundreds of thousands of dollars, for McMurray claimed large commissions for services rendered the Indians. It does not appear that he has accomplished results commensurate with his claims.

James E. Gresham, Esq., attorney for the Seminole Indians, by persistent effort has secured the conviction of numbers of persons guilty of defrauding Indians. Some of these men are now serving sentences in prison. Mr. Gresham's activities have made him exceedingly unpopular in his community, yet he has continued to protect his wards. Attorney W. W. Hastings, representing the Cherokees, has also incurred the enmity of grafters because of his uncompromising attitude in behalf of the Indians.

Outside of official circles Mr. Grant Foreman of Muskogee has done all in his power to call attention to the bad situation. Through magazine articles and by co-operation with Attorney Mott, he has done his part towards protecting the weak, and deserves praise.

Senator Gore has defended the Indian's rights, and his exposé of the McMurray contracts first brought to public attention great wrongs.

When investigating the Cherokee county I was accompanied by Joseph T. Lafferty, Esq., of Kansas. Mr. Lafferty is well acquainted with conditions in the South West, and after traveling through the country with me and considering the facts from the point of view of one not a citizen of Oklahoma, he gave hearty in-

dorsement to all the recommendations set forth, particularly with reference to the action Congress should take. Mr. Lafferty stated that it was realized among the people of Kansas that the white citizens of Oklahoma were not mindful of the Indian's rights.

J. Weston Allen, Esq., of Boston, who accompanied me to Oklahoma, rendered splendid service in a worthy cause. I am greatly indebted to him. He left important business engagements and devoted his energies for a month toward helping the Indian, and without compensation. Would that we had more earnest workers such as Allen!

In what I have said regarding these gentlemen, I am in no sense either exaggerating or unduly complimenting them. I am merely stating facts. They appear above all other citizens to discern the danger, the trend of our present course, and to be possessed of a clear conception of the situation in its broad sense. They are the types of men I would like to see at the head of every reservation and every department in the United States Indian Service. I wish that their recommendations both with reference to what legislation is needed in Oklahoma as well as in Congress could be read and understood by all men. Nothing is more to the point, nothing can be more just.

The work of the District Agents deserves particular commendation. We met numbers of these men and found them, so far as our observations extended, upright and conscientious. They bear the brunt of the battle, as they come between the Indian and the grafter. They have failed in some instances, but the fault is not entirely theirs. I have certain specific recommendations to offer with regard to this on page 27 of this report.

OIL, COAL AND OTHER PROPERTIES.

When the lands in Indian Territory were allotted the Indians in severalty by the Dawes Commission, there were many of the full blood and more ignorant Indians who refused to receive allotments. These were arbitrarily allotted in certain sections of territory where the soil was poor—notably in the hills. These Indians, for the most part, contended that we should keep the treaty of 1832—to the effect that the Indians were to remain in undisputed possession of Indian Territory. The sharper and shrewder Indians, especially the half-educated ones, secured valuable tracts of bottom land.

By a turn in the wheel of fate, oil, of a superior quality, was discovered in Oklahoma some years ago, and it was found in greatest quantities in the hilly and poorer sections of the eastern part of the state. Not the bright, educated Indians, but the poor and needy, profited by this discovery.

This sudden development in the oil industry forced upon Mr. Kelsey's office a tremendous amount of work. Many of the Indians were restricted, were minors, or full bloods. The royalties paid on the oil produced had to pass through his office. In some instances, these amounted to large sums each year. Naturally, the presence of valuable oil in such quantities brought into eastern Oklahoma a great influx of undesirable citizens. Many of these grafted upon the Indians, took oil leases away from them, leased homesteads, or se-

cured the monies paid to individual Indians. In many instances the Indians were not permitted to keep their monies, even did they desire to do so.

The payment of large sums of money to individual Indians proved a curse rather than a blessing. Under the old tribal arrangement, these monies would have been equally distributed and much good would have resulted. It is far better for an Indian family to receive \$40 or \$50 a month instead of \$2,000 or \$3,000.

The discovery of coal in other portions of Oklahoma brought trouble as well as revenue to the Indians. Wherever these valuable assets appear it is almost impossible for the Indian to control his property. In fact, absolutely so, unless his property is administered by the Interior Department.

The trouble is not so much with the large oil companies, or the groups of men who seek to mine coal, as with the middlemen, and petty grafters. These men are the curse of the Indian office in Muskogee, as well as of the Indians themselves.

Mr. Kelsey informs me that he has more difficulty with the oil grafters—with men who hold up the transfer of Indian property, or interfere with the oil companies, than with the great oil companies themselves, the latter being composed of honorable business men, who desire to operate and do not stoop to graft.

Not so these middlemen. Their attitude can best be understood from the following case:

A certain white man leased forty acres of land in the oil belt for, ostensibly, agricultural purposes. He agreed to pay the Indian \$40.00 per year. When oil was discovered in the immediate vicinity the oil men secured an oil lease on the same property from the Department. The white man would not permit the oil men to operate, and drove them off at the point of a shot gun. Although the Government preferred to have the oil wells drilled, and thus increase the income of the Indian ward, it was powerless, and the oil operators were compelled to pay the white man \$1200.00 cash before he would cancel his agricultural lease. The land was worthless for agricultural purposes. It was simply a "hold-up game" on the part of the white man.

This occurs not only in the oil country, but elsewhere, and petty grafters are continually interfering and causing trouble. These speculators reduce the value of oil and other property. Oil men are skeptical about taking Indian leases. Commercial values depreciate.

Down in the Choctaw and Chickasaw country there are a number of white men who secured control of thousands of acres of Indian land, either by lease or purchase. Their sole purpose seems to be to cloud titles. These are the very men who issued a broadside recently against the proposed bill in Congress prohibiting the leasing of Indian lands. They are not legitimate farmers, but mere speculators, and they retard commercial enterprises through a large section of the country. They prepare four or five one year leases and have these signed by the Indians in advance, thus controlling the land for years. They exercise a most pernicious influence, and, as stated above, not only embarrass the Indians, but injure the fair name of Oklahoma.

THE EDUCATED MIXED BLOODS.

Many of these men are estimable citizens, but others are quite as harmful to the best interests of the more ignorant full bloods as the white grafters themselves. Being able to speak both languages, and possessing a knowledge of the white man's ways, they act as interpreters for the grafters, and engage in swindling their own people.

THE LAND OF GUARDIANS!

After one has traveled for some time through Oklahoma that which appeals to one as the most serious phase of the Indian situation is the condition of the tribal children, and wards.

Nothing can be done to save the land of the adult freedmen, or the mixed blood Indians. Their lands are hopelessly dissipated. While the stories that these Indians have to tell regarding the methods pursued by white men who took advantage of their ignorance, their cupidity, and their faith in the white race, seem beyond belief, yet the records obtained from employes of the Government, the various attorneys for the tribes, and reports of State officers and others who are interested in the welfare of the Indians verify the claims of these poor people. The County Court records alone are sufficient to stagger the imagination.

There are some few Indians, mixed bloods and freedmen, living upon their original allotments, but they are so few that where such evidence or assurances of their ability to withstand the encroachment of the white people are apparent, the white citizens in the community are sure to point out to the traveler that such and such a man held on to his property, and the grafters were unable to take it away from him.

The amount of evidence or material, consisting of statements, affidavits, letters, reports of employes, and other things, in the hands of Mr. M. L. Mott, attorney for the Creek Nation, or in the Government offices of the Five Civilized Tribes, is not the only data available. In the files of the Times-Democrat, published in Muskogee, one finds numbers of articles, dispatches, court reports, etc., dealing with dissipation of Indian lands. A perusal of the files of this paper, such as I have made recently, clearly prove that the editorial staff is not in sympathy with the Indians. In fact, the editorials have been against Government supervision, against most of the persons who are striving to secure for the Five Civilized Tribes, individually and collectively, a square deal. Mr. Mott has been attacked for his noble efforts on behalf of these people. Other papers have spoken slightly of the work of Mr. Gresham, attorney for the Seminoles. Yet, in spite of the fact that the news columns of this leading paper of Oklahoma teem with accounts of the loss of Indian property, and thus prove a deplorable situation, in the editorial columns the position is taken that all this is a matter of course—that the Indian must not be “superintended” by the Federal Government, but must be turned over, lock, stock and barrel, to the tender mercies of the courts, the guardians, and the county offi-

cials of Oklahoma. This notwithstanding the fact the the Governor of the State, in his official message to the legislature with reference to the action of the Probate courts in minor Indian cases, states in part as follows:

"You will find from studying this report that the charges made by Mr. Mott as to the cost of administering estates of minors in Wagoner County are substantially correct.

* * * * *

"But even allowing liberally for all these extraordinary conditions, the cost of handling these estates is still extravagant beyond defense, and the conditions disclosed both by the report of Mr. Mott and Mr. Cahill, call for prompt action upon the part of this legislature.

"While the Indian children have been the ones who have suffered most from the system that has prevailed in Wagoner County, yet it is apparent from Mr. Cahill's report that all nationalities represented in these administrations have been penalized in this manner."

... laws should be passed that will make it impossible for the estate of any minor in Oklahoma to be squandered by improvident guardians under the approval of the probate courts of this State."

(Signed)

LEE CRUCE, Governor of the State of Oklahoma.

Also in the official bulletins and reports from the State Department of Charities and Corrections, under the well known Miss Kate Barnard, are statements as follows. These two statements are taken from cases as much as six months apart:

"This case should be a warning to the people of Oklahoma. We have thousands of similar cases where the costs have literally eaten up the whole estate."

In a letter dated July 23, 1912, Mr. H. Huson, Assistant Commissioner of the State Department of Charities and Corrections, which was presented to Congress by President Taft in his veto of the bill attempting to validate inherited land titles, it was also said:

"Armed with this authority Miss Barnard has intervened in behalf of approximately 3,000 orphans, nearly all of these Indian children whose estates were being exploited or disposed of by incompetent or grafting guardians. We have had many guardians removed, and we have saved for these children since this law became operative something like \$100,000 in money and prevented the sale or return of something like 115,000 acres of land."

This is splendid as far as it goes, but it is my understanding that Miss Barnard has only one attorney, and it is a physical impossibility for this attorney to do more than appear in the different county courts, forty of which there are in the Five Tribes alone—together with all of his other duties in the State, at only very infrequent periods, and the State legislature, I am further informed, has been threatening to cut off the appropriation for this meager assistance that has been given the Indians.

When Congress removed the restrictions on the lands of these Indians, in the sweeping Acts of April 21, 1904, April 26, 1906, and May 27, 1908, the management of the affairs of the Five Civilized Tribes fell to the courts and county officials of this State. It is not my purpose to say aught concerning the judges serving in Oklahoma. A perusal of the evidence on file—of the records—is sufficient to indicate whether these judges have done their duty or not; whether the guardians took the same care of the Indian's property that they exercised when administering the properties of white minors and white incompetents.

The death rate being high among all classes of our former wards—whether negroes, mixed bloods or full bloods—many allotments were inherited by other heirs. Many adults died and the property descended to their heirs. There were thousands of minors who possessed allotments of various kinds, some valuable, some of the character of the average farm, and others consisting of poor land and carrying a doubtful value. Particularly valuable were the minor estates in the oil belt of Oklahoma; in the region where coal has been found; and along the great rivers, such as the Arkansas, the Canadian, and various other streams, where the soil is unusually rich.

It was necessary that guardians be appointed to act for these poor, defenseless Indian children, and so the courts appointed various persons. Most of them were white men, but occasionally there were Indians designated by the State authorities to occupy these responsible positions. Doubtless some of these guardians conserved the property of their wards. Some seem to have felt that the responsibility rested upon them, and they acted in honor, and discharged their duty in all righteousness. Such men had a high sense of right, and appear to have been incorruptible. But while this is true, the majority of the guardians have dissipated the property of these Indian wards. In many cases it is well nigh impossible to obtain a complete return or accounting as to their expenditures. All sorts of expedients have been resorted to in order that the money of the minor's estate might be secured either by the guardian or his friends.

Let us consider a few specific cases:

A certain guardian, in his accounts, stated that several hundred dollars had been expended for the education of his ward, and other sums of money were expended in furnishing the cabin where the minor lived. Inspection officers found that the child had never been to school, and was living in a cabin destitute of conveniences, with hard packed dirt serving as a floor.

Another guardian had entered a large sum of money as expended for the improvement of the allotment of his ward—for fencing, farming implements, etc., and, upon investigation, it was found that none of these improvements had been made.

In the case of three minors in the jurisdiction of District Agent L. B. Locke, the guardian decided to sell these three tracts, and asked the Court to appoint a Board of Appraisers. This was done. They hired a large conveyance, drove to a creek near the allotment, spent the day in fishing and enjoying themselves. The costs of this outing, together with the attorney fees and bills for various expenses, amounted to a considerable sum. The land was sold for a song—far below its actual value—and the report of the guardian showed that the first minor, even after the sale of his property, owed \$38.00, and the other two minors owed \$70.00 each. The guardian, therefore, asks the Court to permit the sale of a fourth and last allotment, in order that this indebtedness might be wiped out.

Fred S. Cook, Esq., one of Indian Agent Kelsey's assistants, in-

forms me of a most pathetic case, which emphasizes the need for full protection for this class of Indians. A certain white man married an Indian woman who had five children. He was appointed guardian for these five children. He began a career of dissipation and, in a short time, had sold all of these allotments, consisting of good land, squandered the money, and even mortgaged the furniture belonging to his wife. He then fled, leaving her without any means of support, and those five children in destitute circumstances. Mr. Cook appealed to the judge of that district and, after considerable trouble, was able to recover the sum of \$5,500.00 for these minors. This money is now in the hands of the Indian Superintendent, and will be properly administered for the education and relief of this family.

When we were talking with the Indians assembled at Sylvian, some eighteen miles from Wewoka, the chief of the so-called "Snakes," or non-progressive full bloods, informed us that the great trouble which his people faced was this same matter of guardianship, or court supervision of Indian estates. He said that when an Indian died they received numerous requests from all sorts of people to be appointed administrator or guardian for the minor heirs. They understood none of the procedure that followed, and all they knew was that invariably they lost the land, and that small sums of money were doled out to them for a brief period of time, and that presently there was no more money available. The minors were left in the custody of their friends or relatives in most cases, and the amount of money paid them aided in the support of the minor, but, as stated above, payments soon ceased. Often, he said, that the old people who had lost their lands were compelled to go and live on a minor's allotment, but that frequently these allotments were sold, and thus both minors and adults were dispossessed.

A full blood Cherokee, now about 26 years old, was allotted valuable land in the vicinity of Bartlesville. She had no relatives, and at the age of four years she was taken into the family of a white man, but not formally adopted. When the allotments were made he was appointed her guardian. When she became of age he was discharged. During his guardianship about \$4500.00 came into the guardian's hands as guardian. Upon a final accounting he filed receipts for over \$2,000 as having been paid to his ward, but which it is claimed he admitted really never was paid to her.

When this girl became of age a new oil lease was made with her for which a bonus of \$8000.00 was paid, which money went into the hands of the guardian and which it is alleged he likewise admitted he diverted to his own use. It is also claimed that approximately \$2500.00 royalty has been received by the guardian for this girl. It is claimed that the guardian has admitted that he owed this girl approximately \$20,000.00. The ward lived in the home of her guardian ostensibly as a servant. She is of weak mind and really an incompetent. In September, 1910, the guardian secured a divorce from his wife, and afterwards, it is claimed, continued to live with his ward.

While the guardian was thought in the early days to have been

thoroughly protecting the interests of his ward, of late years it is reported that he became an habitual drunkard and gambler, and dissipated all the money belonging to the ward, together with money belonging to his own children. Every possible effort was made to try and recover the money belonging to the ward. The only property left was a five-story business building in Bartlesville, which brought an income of \$600.00 a month. The guardian sold it for something like \$15,000, and it is understood he gambled away \$5,000 of this amount the first night after the sale. Through the Government, Attorney Bynum attempted to tie up the cash that he got for this building for the girl, but the injunction was dissolved by the District Court. The amount tied up in the injunction was something like \$13,500.00. The United States Attorney has the matter in hand, but it has been impossible so far to secure any accounting. The attempt was also made to have another guardian for this girl appointed, who could properly institute suit for the recovery of this money, but she, in the meantime, moved to Arizona or California, and later to Shawnee, Oklahoma, and the question of residence was brought up, and that petition was denied. The question has not yet been settled. The case is to be taken up through the State Department of Charities and Corrections on the ground that she is an incompetent. As a reward for his humane interest, Mr. Bynum has been sued by the guardian!

Walter and Mamie Doherty, mixed blood Cherokees, have seven allotments, and in the family are eight minor children. Two are "New Borns," and their land cannot be disposed of.

In 1909 the father of these children was appointed guardian for five of the minor children. Immediately thereafter he sold their allotments for \$9700.00, and he began to dissipate the funds, and, in 1911, the mother of these children appealed to the Government for assistance. She and these children were found in perfectly destitute circumstances. The oldest child is fifteen years of age. The father had brought the family here to Muskogee and had deserted them. All they had was the \$15.00 per capita payment, which was immediately advanced to them by the Indian Agent's office for the purpose of buying groceries and other necessities. With the assistance of Government Attorney Ward the case was transferred from Craig County to Muskogee County, under the jurisdiction of County Judge Thomas W. Leahy. There was no trouble had in getting action by the County Court in this case, and the bondsman has had to pay back to the Court over \$5000.00. This was an unrestricted case, but through the charitable organizations, the Government and the County Court, some of the property of these minors was recovered. This is a case of a quarter blood Cherokee first procuring a large sum of money from the oil property of his minor children, which was not secured through his efforts but because they were Indians, and after dissipating it, abandoned the family. But for the efforts of the Government officials and the County Courts of Craig and Muskogee Counties, these people would have become public charges.

Reports kept coming to the Government, and to the State officials with reference to the condition of probate matters in McCur-

tain County, and in 1912 a joint investigation was made by State, Federal and Tribal officials, and as a result the County judge resigned and was subsequently indicted, and over \$72,000.00 recovered for minor Indians whose property had been sold through the alleged connivance of the Court and his particular friends, and over 4000 acres of land quit claimed to them. This work was largely done through Special Agent Cook, of the Interior Department, and the office of Miss Kate Barnard, Commissioner of Charities and Corrections, and the Choctaw Tribal attorneys.

The case that is now attracting the attention of the Cherokee Nation is that of Candy Mink, deceased, where an administrator was appointed through the County Court of Adair County, and received through the Court some \$6000.00 to be paid to the heirs, several of whom were minors. It was represented and urged, in order to get this money for the administrator, that the minors were in dire distress and needed the money for their maintenance. After the complaint was made that the money had not reached the heirs, a special agent of the Union Agency brought the case to the attention of Cherokee National Attorney, W. W. Hastings, who caused an investigation and, upon his presentation of the case, it was clearly shown that certain alleged "friends of the court" had actually secured practically all of this money, and that almost none of it reached the heirs. The District Court took the matter under consideration, and County Judge W. A. Corley was suspended from office and, with the grafters said to be associated with him in the matter, has been indicted in both the State and Federal Courts.

As an illustration of the extremes to which these grafters sometimes resort, my attention was called to a case of an adult who had died and left a valuable property. In order to get large allowances from the estate padded expense accounts were put in for the burial robes, metallic caskets, etc., although the relatives who attended the burial stoutly insisted that only a box, and the cheapest clothes were used. In this instance, the grafters, knowing that an investigation was to be made, exhumed the body and placed same in a metallic casket, and carried off and destroyed the pine box in which the burial had originally been made!

MARCUS COVEY.

One of the Secret Service men relates the following:

"In October or November, 1911, some new oil development was started near Jenks, Oklahoma, which created considerable excitement. Adjacent to the land on which the wells were drilled was the allotment of Marcus Covey, a Creek citizen, whom the records show became of age in June, 1912. There was considerable activity in trying to secure a lease on the allotment of Marcus Covey, both through the guardian, his father, and in every other way possible. Shortly afterwards, this boy disappeared, and no one seemed to know where he had gone. His mother immediately took the matter up with you, also addressed a letter to the Secretary of the Interior. His father being a Mason, the Masonic order brought considerable

pressure to bear on the office to see if some assistance could not be had in locating this boy. The letter addressed to you, also the one to the Secretary, was referred to me with request that I assist them as much as possible. After an investigation which lasted some time, as the parties were careful to conceal their movements, I located the boy in Southampton, England, and found he was sent there by one Thomas Gilcrease, in company with a hired lieutenant of Mr. Gilcrease's. He was kept in England four months. I finally secured his return some time during the early part of March, 1912.

"At the time this boy disappeared, his land could have been leased for approximately \$40,000, as there was much excitement and they had brought in one or two good wells. He returned home having given no lease or deed on his land, and on his return it had become valueless for oil and gas purposes, so their taking him away at that time lost him considerable money, although he still retains his original allotment."

THE PURCHASE FAMILY.

Of this family of 9 persons, 8 of them died of tuberculosis in one year. This is a record seldom equalled anywhere in the United States. Whether these Indians were properly treated, I am unable to state. They rest in a little, primitive cemetery a few miles from Stilwell, Oklahoma. The inherited land, estate of Henry Purchase, was sold for \$1,200.00. Eighty acres of this was bottom land, very rich and worth \$70.00 or \$80.00 per acre. Edward Purchase, a minor, and the surviving heir, was taken to St. Louis by the administrator and a doctor who took good care of him and saw that he was properly treated. They charged him \$700.00 for board bill and other expenses. The doctor's expenses were also paid. Out of the entire estate, Edward Purchase informed me he received \$180.00. He protested but was unable to recover any additional sum.

After hearing the statement of Edward, I am of the opinion that the care of him in St. Louis was not dictated by motives of humanity, but because they wished to keep him alive until he could sign a deed. After he became of age, he was taken to his little home and it does not appear that either the guardian or the doctor, or others, were concerned in his welfare.

This news item, taken from a local paper, explains itself.

IGNORANT INDIANS WOULD SELL LAND FOR A SONG.

Oklahoma City, June 25.—In an opinion handed down today by Associate Justice Jesse Dunn, of the supreme court that body holds that two Mississippi Choctaw Indian girls who were so ignorant that they would have sold their allotments on which were valuable asphalt deposits and which are worth \$40,000 for \$850 came under the statutory terms of mentally incompetent persons and that the county court of Marshall County should appoint a guardian for them. The girls admitted that they could neither read nor write, did not know when their mother died or how many \$5 bills it would take to make a hundred.

EIGHT SERIOUS SUBJECTS.

We have cited sufficient actual cases to convince even the careless citizen, that there is trouble in Oklahoma.

Let us now consider the situation in its ensemble. I group the subjects under the following heads, and beg the American public to urge Congress that the reforms, or ones similar to those suggested, be made effective.

- A. The system of leasing Indian lands.
- B. The protection of Indian minors.
- C. The care of indigent Indians.
- D. The work of the Special Agents.
- E. The health of the Indians.
- F. The education of the full blood Indian children.
- G. The protection of timber belonging to the Choctaw and Chickasaw Indians.
- H. Congress and the Oklahoma Indians.

A. THE SYSTEM OF LEASING INDIAN LANDS.

When the law was passed by Congress permitting certain Indians to lease their lands for five years, and their homesteads for one year without the supervision of the Department, a grievous error was made. The result has been that while some Indians are benefited by this custom, in most instances it has proved a curse rather than a blessing. Under the guise of leasing, many Indians have signed either mortgages or deeds to their property. Particularly is this true where the papers are presented at the Indians' cabins and are signed far from the presence of a Government representative. The leasing system as practiced interferes with the sale of property. Frequently Superintendent Kelsey finds it to the best interests of some aged Indian to sell his property and use the proceeds in maintaining him during his declining years. One of the many petty grafters hears of the proposed sale, visits the Indian, pays him \$10 or \$20 for a lease of one year and when the prospective buyer of the property appears, he must either make terms or fail to secure possession. Frequently it is necessary for either the buyer or the Superintendent to pay \$100, \$200 or even \$300 bonus to the lessee. It is a most pernicious custom and should be changed. Many Indians have no conception of real values and frequently they lease certain lands for five years for a few dollars per year. The lands leased are seldom properly farmed, the white man desiring to get all possible out of the ground in a short time.

If the field agents' powers were extended and they given sufficient help, they could supervise more carefully the entire leasing system.

FINDINGS.

My recommendations are that no more lands be leased save under supervision of the Department. Also that the oil royalties on leased property be conserved even more than at present. \$40 or

\$50 (or at the most \$75) is sufficient for any Indian and these large sums—often totaling thousands of dollars—paid to the Indians are worse than waste, for it encourages dissipation, attracts a swarm of grafters and does harm instead of good.

The Indian office at Muskogee should pass upon, grant or refuse all leases of every character. When these leases are sent to Washington, weeks and often months of delay result. White men and Indians alike are disgruntled, business is hampered, unnecessary and lengthy correspondence follows. Such men as Kelsey and his subordinates, being on the ground, and familiar with local conditions, should have authority to transact all leasing business. Reference to Washington is unnecessary. In spite of the army of clerks in the Washington office, leases are not promptly viséd, or rejected. Further, this policy results in our furnishing arguments to those who wish to withdraw all protection from the Indians.

What Mr. Kelsey needs is more power, a larger force of workers, a greater appropriation.

Mr. Kelsey should be given sufficient working force in order that he might concentrate upon the greater problems of his administration. Considering the amount of work he is compelled to perform each day, the results achieved by Mr. Kelsey are surprising. But if he could be relieved, as stated above, I think he could devote much more attention to the needs of the Indians in the out of the way districts or the District Agents. Much of the time of Mr. Kelsey's force is spent in answering the complaints of educated Indians who should be able to take care of themselves. This I have found to be a curse in the Indian Service, not only in Oklahoma but elsewhere, and I would recommend, in so far as possible, that complaints of educated mixed bloods be eliminated.

B. THE PROTECTION OF INDIAN MINORS.

It is unnecessary to do much more than call the attention of readers to the cases presented in the foregoing pages of how guardians and administrators have handled minors' estates. Mr. Mott, in his famous report, stated but a fraction of the truth.

Both Mr. Allen and myself looked into the management of minors' estates on the part of the so-called "guardians" and the Probate Courts. To say that we found a shocking condition is putting it mildly. Many of the guardians appointed over persons of minor years, or weak minds, are absolutely lost, or dead, to all sense of honor and decency. In certain cases, those humanities, which appeal to the average business man of ordinary walks in life, are utterly lacking in these persons.

*See speech of Honorable Charles H. Burke, House of Rep. December 13, 1912.

Washington, D. C. 70692-11671.

It is only necessary to say that the thousands of cases in which guardians have been unfaithful to the trust, the laxity of the Courts coupled with the high value of the oil and mineral tracts, and the worth of the farm land—all these things conspire together to work

injury to the Indian minor. When minors' affairs were managed by the Interior Department, they were in far more satisfactory condition than at the present. Probably we cannot recover what was lost, but we should certainly conserve what remains. Mr. Mott states that between 40 and 50 per cent of the lands of the full bloods and restricted Indians remain intact. Not one foot of these should be permitted to pass from their ownership, save with the sanction of the Secretary of the Interior.

The scandals relating to administration of estates mount into high figures. I have already cited numbers of them. One solution of the problem would be the organization of a Trust Company, composed of honorable men with branches in various parts of Oklahoma authorized to act as trustee, guardian or administrator of these Indian estates. To continue the present course means pauperism.

C. THE CARE OF INDIGENT INDIANS.

Many of the restricted Indians as well as the mixed bloods and freedmen are today penniless. Just why the restricted Indians should have lost so much of their property, since they are supposed to be fully protected, passes my comprehension, but such is the case. When they sign leases for a length of time, although they do not lose the property in the sense that it is sold, it passes from their possession into the hands of the renter and is, to all intent, the same as if they had sold it. The result is that when the Indians have spent the money, or the money received from the sale of inherited lands, they are reduced to penury.

Many old and destitute Indians were observed by me in my travels, particularly in the districts lying about the towns of We-woka, Hanna, Sylvian, Bristow, Eufaula, Beggs, etc. Mr. Allen observed the same thing among the Choctaws and Chickasaws. The Cherokees do not suffer so much although there is considerable suffering among them, but the Creeks and many of the Choctaws are in bad shape.

Their cabins are for the most part small, scantily furnished and not to be compared with the log cabins inhabited by these people in the period of their prosperity between 1850 and 1895.

These Indians become indigent not only because of the loss of their lands, but through changed conditions, for which we, and not they, are responsible. I would particularly call attention to this:

In the old days all of these Indians owned cattle and hogs and ponies. There were few if any fences in Indian Territory; the hogs waxed fat on acorns, roots and other food and required no attention. The cattle grazed in the valleys. The Indians possessed an abundance of meat. Now that the whole region is fenced and the state of Oklahoma has passed and placed on its statute books stringent laws against trespass, it is impossible for these Indians to raise hogs and cattle as formerly. All such property is taxed, so I am told. They claim that they are often taxed on stock they do not own. This I have not verified but, there being numbers of complaints, an investigation is in order.

Apropos of the tax matters, a prominent citizen south of Musko-

gee, has addressed a letter to Hon. Lee Cruce, Governor of the state. I present a portion of it in Appendix A. The writer's name is withheld at his own request.

Many Indians become indigent because of inability to pay taxes, as the author indicates in his letter.

Another contributory cause to poverty is the inability of the older Indians to keep such monies as are paid to them. I mean by this, that while the women are entirely competent to handle small sums, such as \$25 or \$50, and more so than the men, yet the payment of hundreds of dollars, and in some cases thousands of dollars, is a curse instead of a blessing. The grafters have a system of espionage and seem to ascertain whenever a check is cashed or payment made by Agent Kelsey or by land buyers. They wheedle this money out of the Indians on one pretext or another.

Miss Barnard, in charge of the State Board of Charities, is unable to cope with the situation and frankly admits so. The citizens in the various towns admit that they have no funds to care for these people. Mr. Frank Adair, ex-sheriff of Adair County, states that within a year or two most of these indigents must either steal or starve, that their condition is far worse today than it was thirty years ago. And I might quote other authorities.

FINDINGS.

The above brings us face to face with stern reality. Since we have allotted these Indians and have failed to afford them the same protection we afford the white citizens either in Oklahoma or elsewhere, we are responsible for their present condition. Instead of permitting affairs to drift, I would suggest that we take over immediately large tracts of land controlled by Commissioner Wright of the Five Civilized Tribes. That such of these lands as are of value for farming purposes be set aside in 40 acre tracts. That the indigent Indians be placed on said tracts. That the tracts be held in trust and that the farming implements, wagons, horses, household goods and cabins purchased or erected on such tracts be held in the name of the United States Government. Thus the petty grafters will be prevented from buying, or persuading the Indians to mortgage their chattels. It seems foolish to me for Commissioner Wright to sell these great tracts owned by the Choctaws and Chickasaws when we have thousands of Indians in Oklahoma who are homeless and almost paupers. I strongly urge that Congress consider this recommendation.

The Choctaws and Chickasaws would have to be paid, of course, but there is plenty of money in the Treasury to the credit of the several tribes and some equitable arrangement could be put into effect.

D. THE WORK OF THE DISTRICT AGENTS.

In view of the criticism made in Congress on the District Agents, notably by the Delegation from Oklahoma, it affords me great pleas-

ure to commend their work. These men have labored under adverse conditions. They have been criticized. They have been in the field while others sat at desks. They come in touch with the Indians and stand between the Indian and the grafter. I consider them of primary importance in the Service in Oklahoma. While the Bureau conducted by Mr. Wright is of great importance, what is more vital (and this is said in no disrespect to Mr. Wright) is that we should have strong, courageous, properly equipped and supported men in the field who will represent the Indians before the Probate Courts, before guardians; men who will see that the Indian is protected in his leasing of land, his buying and selling, etc.

I met numbers of these Agents and wish to commend them all. In some minor details, a few of the men might need correction. But the subject is so big, that we should waive any lapses in the lesser things. A little more ginger or backbone on the part of three or four of these men is desirable. But as a whole they are doing a noble work. Because they have to stand the brunt of the battle, they have been the object of bitter attacks on the part of the newspapers and others, all of which are inspired by the grafters.

Each District Agent needs a stenographer and an office clerk, or field assistant. They have too much petty office work to engage their attention. This should be delegated to subordinates. The District Agents should be traveling from cabin to cabin, as we did. If they remain in their offices, they receive the usual number of half educated and mixed blood Indians, most of whom are unrestricted and should be abundantly able to take care of themselves. They do not see enough of the indigent people, the full bloods, and ignorant Indians. Therefore, I would recommend that they be made, first and foremost, field men.

The powers of these District Agents should be extended. They should be given more discretion. They should have at their disposal a fund to alleviate distress. I found some cases of suffering and ascertained that no money had been given these Indians for the reason that Superintendent Kelsey had none at his disposal.

The District Agents have built houses for the Indians in numerous instances and have virtually set the Indian up in farming. All of this is most commendable, but the property should all be held in the name of the United States Government as indicated previously. Superintendent Kelsey recommended on Dec. 10, 1912, with reference to the purchase of personal property from funds in control of the Government, to take the title in the name of the United States to prevent them from mortgaging and disposing of it for nothing.

When the Agents recommend that certain things should be done, Mr. Kelsey should issue orders to that effect immediately. This particularly applies to sale of lands and leases. Under the present system of referring such matters to Washington, sales go by in default or advantageous leases are often delayed. If both Mr. Kelsey's and the District Agents' discretion and powers were extended and work of this nature done in Oklahoma, much criticism would be avoided, and the Indians benefited.

E. THE HEALTH OF THE INDIANS.

There is considerable sickness among the Five Civilized Tribes, particularly in out of the way places. I am not satisfied with what has been done by the medical branch of the Indian Service toward alleviating distress. I found a number of sick Indians, but heard of more. Agent Kelsey informed me that there was a doctor on duty in Oklahoma who has been traveling from place to place preparing tables as to the exact percentage of trachoma, tuberculosis, etc. There is entirely too much statistical work in the Indian Office. This should properly come under the Smithsonian Institution. While it is technical and scientific, yet it is less humanitarian, for it does not matter whether trachoma is 32.6 per cent in one place and 19 per cent in another. The essential thing is that trachoma exists and that it should be treated immediately. The doctor, instead of compiling statistics, should have at his disposal a number of subordinates, medical men, and they should travel from place to place, carrying with them medical outfits and treating the Indians throughout the Five Civilized Tribes. That, it seems to me, is vastly more important than statistical work. The same criticism applies to White Earth, Minnesota, where the Indian Office spent a great deal of time ascertaining the exact percentage of disease. In the meantime some Indians died.

I would strongly urge that since trachoma and tuberculosis are prevalent, we treat these diseases immediately and defer our work as to the number of cases, percentages, etc. What the Indians in Oklahoma need is immediate medical attention and medical supervision, covering a period of some time.

The District Agents should be encouraged to act independently of specific orders in case of sickness or distress. They should be given authority on their own initiative to employ local doctors in extreme cases. It is no more than human that such a ruling or authority be granted.

Speaking of sickness and distress, it is well to remark that when Indians are near death, there are always numbers of white men or educated mixed bloods who wish to be appointed administrators or guardians. Frequently telegrams and telephone messages are sent to the heirs, even before the patient is dead, begging that such and such a person be appointed in charge of the estate. Many of these Indians die with little or no medical attention. The District Agent should see that a physician is present and also that no appointment of administrator of the estate or guardian for the minors should be made until he is thoroughly satisfied that the estates will be properly administered.

Many of the huts inhabited by the Indians are unsanitary and in a dilapidated condition. These breed disease and much of the sickness is attributable to the unsanitary manner in which the Indians live. The District Agents should use every effort to remedy such conditions.

F. THE EDUCATION OF FULL BLOOD INDIAN CHILDREN.

In traveling through the Cherokee, Creek and Seminole countries and during Mr. Allen's observations among the Choctaws and Chickasaws, we were impressed with the large number of children in remote districts who are unable to go to school. As to the number of these children I am unable to state, but there must be several thousand of them, who for various reasons are not being educated in the schools of Oklahoma. This is because there are no schools near at hand; or that the Indians are poor and do not own teams and cannot drive the distance of four to eight miles in order to place their children in school.

Some of these little folks have been walking as far as two or three miles. They have no bridges in the country (that is, in the remote districts where the full bloods live) and, in case of stormy weather, it is impossible for these Indians to attend school regularly.

I offer as a solution that we go back to the Indian policy of thirty years ago. Before statehood these Indians maintained fairly creditable schools of their own, and they allowed for the board of certain children out of a general fund. Children who lived several miles from the schools were boarded in the homes of other Indians living from a half mile to a mile and a half of the school. Thus they were able to attend regularly. Saturdays and Sundays they spent in their homes.

If the Government would adopt this policy, it would be unnecessary to build more and expensive school houses or hire additional teachers. It is the only sensible and feasible solution of the problem. It is impossible to transport these children to the Oklahoma state schools in most instances. It is unwise to take them away from their parents and send them to distant boarding schools.

The above plan is entirely feasible, and all it requires is a reasonable appropriation to carry it into effect.

G. THE PROTECTION OF TIMBER BELONGING TO THE CHOCTAW NATION.

This is a very important subject. Commissioner J. George Wright of the Five Civilized Tribes has given the subject much thought. I am in agreement with him as to the value and importance of this tract but do not agree with him that the farming land should be sold. We need that as farms for such of the Indians as are paupers, or will soon become paupers. Commissioner Wright, under date of April 9, 1913, in a long letter to me, covered the subject somewhat exhaustively. As the country is rough and mountainous, the pine timber is scattered and not as valuable as the pine timber on other reservations nearer railroads. Yet it is valuable and should be protected against fire and theft. This timber should be sold on the best terms obtainable, or it should be preserved as a National forest reservation. I quote the following paragraphs from the report made to me by Commissioner Wright, cited above:

"In 1910, after a conference with President Taft, Secretary Ballinger directed that the timber on these unallotted lands be reappraised and preparations made for sale of both lands and timber. An appropriation of \$30,000.00 was authorized by Congress, reimbursable from Choctaw tribal funds, to make such appraisement, and all so used. Conferences were had with the Secretary, Commissioners of Indian Affairs and General Land Office, relative to securing the services of the best available timber appraisers, and eventually Mr. William O'Neil, Superintendent of Logging on the ceded Chippewa Indian lands in Minnesota, was detailed by the General Land Office to visit Muskogee for a conference and investigation of the timber and lands, and directed to bring a suitable man for the position of Chief Timber Estimator.

"Mr. O'Neil visited Muskogee in October, 1910, accompanied by Fred W. Rayburn, who was detailed from Government service in Minnesota and considered the best qualified timber estimator, and who subsequently was appointed Chief Timber Estimator.

"Mr. O'Neil, accompanied by Mr. Rayburn and a representative from this office, spent about a week inspecting the lands and timber and subsequently submitted a report of his observation, wherein he stated in conclusion as follows:

"The reservation, taken as a whole, is of more value for its timber than its agricultural lands, although there is a considerable quantity, amounting to several hundred thousand acres, of good farming land. (See note at end of letter.) As a lumber proposition there are geographic and other reasons, why it is not a poor man's proposition, and if the timber lands were offered for sale in small quantities of from 160 to 640 acres, no man being allowed to purchase more, only the best tracts would be sold and as there are **no** railroads in there at present, and unless capital were induced to come in for the purpose of getting this timber, there will be no opportunity to sell the timber if it is purchased, it is more than probable that the best and most valuable of the timber would be cut and hauled in some way by team to market, and the balance allowed to go to waste. I would strongly advise that at least the mountainous and heavily timbered portions of the reservation, be segregated into groups, these groups to be composed of timber tributary to the valleys, through which logging roads could be built, and these groups, regardless of how much acreage they might contain, sold to the highest bidder; and all the timber upon the reservation sold to any bidder or corporation who would pay the most for it. By this means capital might be attracted into opening up the reservation by building a railroad across it to reach the timber purchased by them, giving the owners of timber on other lands a chance to dispose of their holdings, and the purchasers of agricultural lands a market for their produce. In doing this it would not be good policy to count as timber lands only those that had no agricultural value whatever, as on the foothills of the mountains, and the table-lands above the valleys of the streams, the best grade of timber grows, and large purchasers are not going to come in there and bid only upon the inferior timber.

"If it is the intention of the government to dispose of these lands in the near future, so as to cut down the expense of supervision thereof, discharging the officers of the Department and leaving the Indians to take care of themselves, it certainly would be wise to put this timber and lands upon the market in as large quantities as possible, otherwise a great many of the mountain tops and rough valleys will still be owned by the Indians for all time.

I wish to return my thanks for the courteous treatment extended to me by you and your force, and for the facilities given me to make the investigation; and especially to your Superintendent, E. L. Johnson, who had a

better knowledge of the lands and timber resources than anyone with whom I came in contact.

(Signed)

W. M. O'NEIL,
Superintendent of Logging."

Note: (The great part of lands suitable for farming along the roads traveled by O'Neil had been allotted to Indians, of which he had no knowledge. J. G. W.)

"Thereafter Mr. Rayburn, with about 20 timber estimators, mostly from Minnesota, all of his own selection, and each of whom also furnished undisputed evidence of their qualifications, re-estimated the timber on all of these unallotted lands. The work begun in November, 1910, and completed June 30, 1911. The total area examined was 1,278,412 acres, the total amount of pine found 1,043,898,000 feet, and of hardwood 141,239,000 feet, being approximately 1,000 feet of (yellow) pine per acre.

"A copy of the report of Mr. Rayburn, dated July 27, 1911, shows the character of the land and manner of performing the work. Detailed reports of each estimator, or examiner, covering each 40 acres examined, giving the number of feet, character of land, etc., and approved by the Chief Estimator, are on file.

"There is also herewith copy of a letter from Mr. Rayburn, dated July 27, 1911, recommending the manner of disposition of such lands and timber, and that a minimum price be fixed on a basis of \$2.00 per thousand feet B. M. for the pine, \$1.00 per thousand feet B. M. for the hardwood, and \$1.00 an acre for the land, and that no limitation be put upon the number of tracts or acres to be purchased, or the amount of timber on land by any one person or group of persons.

"The entire area was, therefore, divided, into groups or tracts under the supervision of Mr. Rayburn, such tracts varying in area from 15,000 to 124,000 acres each, as indicated on the map. Said map was submitted to the Department with a draft of regulations and thereafter on January 11, 1912, regulations were promulgated and approved, providing for the offering and advertising of such lands and timber for sale by sealed bids to be opened at Muskogee May 1, 1912, and submitted to the Department for consideration."

I omit portions of Commissioner Wright's report. It seems to me that these thousands upon thousands of acres of timber land should be set aside as indicated in my recommendations under C,

"THE CARE OF INDIGENT INDIANS."

If the timber could be properly guarded, as pine timber values are constantly increasing, it seems to me that the Indians themselves could cut much of this timber and haul it out where it could be marketed, thus receiving direct benefit in cash payment. But not being well posted in timber matters, I would not urge this as against Mr. Wright. I would, however, urge that in not only the Choctaw Nation but in all other portions of Oklahoma any and all lands suitable for agricultural purposes be set aside, by any possibility whatsoever, in order that forty-acre tract farms may be assured to dispossessed Indians, and that a restriction of at least twenty-five years be placed upon each homestead tract.

THE McMURRAY CONTRACTS.

A statement of Oklahoma conditions without reference to the activities of one J. F. McMurray in Indian matters, is incomplete.

After the efforts of Mr. McMurray to secure control of the affairs of the Choctaw and other Indians, through persuading the Indians to sign multitudinous contracts, giving him the authority to collect monies for them, became so persistent as to engage the attention of Congress, a lengthy investigation was inaugurated. Since that time, McMurray has continued his efforts. In Appendix B of this pamphlet (page 52) I present some information obtained from P. J. Hurley, Esq., attorney for the Choctaw Indians.

Steps should be taken by Congress, it seems to me, to put an end to McMurray's influence among these Indians. The tribal attorney, Mr. Hurley, is capable of handling the Choctaw's affairs, and McMurray's presence is neither needed nor desired, according to my opinion. Mr. Allen also shares this view, and he has given the subject some attention.

H. CONGRESS AND THE OKLAHOMA INDIANS.

I am quite aware that this is the most delicate of all the subjects under consideration.

The Oklahoma delegation has exerted much influence in Congress in Indian affairs.

The members have taken the position that the Indians should care for themselves, and the Government should withdraw all supervision. This would apply to certain persons who have little or no Indian blood in their veins such as Senator Owen and Congressman Carter, or to Mr. Joe Brunner of Sapulpa, and other eminent and educated Indians. I mention these because these are the type of men who are held up by those who believe in removing all restriction. Because these and a few hundred others are abundantly able to take care of themselves, it does not follow that the tens of thousands of other Indians of the Five Civilized Tribes can manage their own property. And the facts indicate that the vast majority of the Indians are totally incompetent to manage their own affairs, and also are impotent when pitted against the scheming and shrewd whites.

When Congress began to remove restrictions, the Indians suffered. When Oklahoma became a state certain promises were made these Indians which have not been kept. A search of the records will furnish abundant evidence and all the data desired. When the Indians were allotted and placed on their allotments, they were told they would be treated exactly as are white citizens by the state of Oklahoma. They have not been so treated, in the majority of instances. Congress, I am persuaded, would do the right and proper thing by the Oklahoma Indians if Congress knew the truth. If Congressmen could visit the small towns and out-of-the-way places throughout that great state, Congress would not hesitate in declining to remove any more restrictions. I think that Congress would go a step further, and would pass such legislation as would protect for

the next twenty-five years all remaining lands and properties belonging to the Five Civilized Tribes, or to the restricted members of the tribes.

It is necessary that Congress should know the details of the guardianship cases, and other probate abuses, the timber situation, the increase of pauperism and disease. And if such knowledge can be brought to its attention by the Honorable Secretary of the Interior, I feel confident that remedial legislation will follow.

Congress having removed restrictions and the state of Oklahoma taken over the management of affairs of these Indians (save the remnant cared for through Mr. Kelsey's office), both Congress and the State of Oklahoma are responsible for the present deplorable situation of the Five Civilized Tribes. If things are permitted to drift as at present, within a short period of time the bulk of the Indians of Oklahoma will be paupers, and the very Congressmen who have clamored for non-interference in the internal affairs of the State, will be the first to appeal to the National Government, that our taxpayers support the paupers produced through the removal of restrictions.

Restrictions on the freedmen or negroes were early removed under the supposition that they having been slaves and accustomed to work, knew how to take care of themselves. We have already observed the result.

Of the inherited lands, the mixed blood lands and lands of unrestricted people, control has passed to the white people, with here and there an exception. It matters little whether the Indian wishes to retain his property or not, he is unable to do so.

As we have seen, it is up to the local courts and judges to see that justice obtains for the Indians, young and old. But the judges, in many cases, do not seem to have scrutinized the reports of those who have the care of helpless wards' properties. An inspection of the records in various counties indicates that there are some thousands of guardian and administrator reports, which are open to the gravest suspicion (not to use a stronger term). Public opinion, if aroused, will cause these men to administer even-handed justice to all, and particularly to the weak, ignorant and the unfortunate.

It was my pleasure to meet Judge Thos. W. Leahy. I obtained a report of what this judge has done the past year or two. It is in contrast with that of some of the other judges and shows that he has been active in protecting the minors and incompetents, and he concedes that legislation along the lines recommended by the Governor of the state is necessary and imperative to the protection of the tribal minors.

The only criticism that one could make of Judge Leahy's record is that he has allowed some rather large fees to a few attorneys who have represented these people.

If the bill proposed by Mr. Mott, which is in substance to the effect that it should be made a felony to deal in restricted Indian lands, could have been passed we would have a happy solution of the Indian problem in Oklahoma. Unless such a bill or similar measure is passed, as I have previously stated, there is no hope.

When I was in Oklahoma a bill did pass, but it was unsatisfactory and not sufficiently strong or preventative.

The members of Congress may not be aware, but the loss of hundreds of thousands of acres of Indian lands has had a curious effect on the State. One would naturally suppose that the lands, passing into the hands of white people, would bring about a very prosperous condition, and that values would be high.

Outside of certain cities, however, prosperity does not seem to exist. The country districts are in arrears of other communities. Even the new, or recently developed sections of other states, do not present exactly the same conditions as eastern Oklahoma.

Congress should realize that while certain of the cities in Oklahoma are prosperous, country districts are not. There is too large a percentage of undesirable citizens in the state outside of the cities and larger towns, and it is difficult to persuade first class farmers to locate on tracts of land, for this reason. Many of their neighbors are not such persons as they have been accustomed to associating with at home. Taxes are high, for the reason that the cities have expanded beyond normal growth, have erected too many large buildings, paved miles of streets in an expensive manner, built schoolhouses in excess of the needs of the community, etc. While the sale of Indian lands was at its height, there was sufficient money for all these purposes. Now that most of the lands are gone, a reaction has set in. I learn that in Sapulpa the property has depreciated about sixty percent. I am informed that the school terms have been shortened and teachers' salaries reduced. The majority of the farms are not properly handled, and there is not that intelligent soil cultivation that one observes in other communities.

Readers may ask on what authority I make these statements. They are based on what the white people themselves relate. The chauffeurs of several automobiles, and the drivers of teams, who took us from place to place; interpreters, traveling men, and others of whom I made numerous inquiries admit that the Indian was common prey. All one has to do is to travel through the remote districts, and make use of his eyes and ears, did one desire to learn the truth.

The clouding of titles through numbers of transfers of the same property, has discouraged the better class of farmers from locating in the state. There is entirely too much slack, careless and ignorant cultivation of the soil. The farmers do not take advantage of their opportunities.

Oklahoma possesses wonderful resources. It could be made one of the richest states in the Union. But its better citizens (of whom there are unnumbered thousands) should see to it that the dispossession of the Indian is stopped.

THE FEELINGS OF THE INDIANS.

Many of the educated Indians, as well as the ignorant ones, are depressed and downcast. Some of them have no inclination to work for the reason that when their farms are developed, the very fact that improvements have been made and the soil prepared to yield

larger crops, serves merely to attract the covetous white man. They have little faith in their guardians and administrators and local courts, and they look to our Congress to protect them since it is impossible for them to secure help elsewhere. They contrast the present with the past, when they were happy and contented, had sufficient food and clothing and many of them fairly well-to-do. They see little or no hope for the future if things are to remain as they are at present.

How can we expect them to believe our statements? What white man under similar circumstances would be industrious?

I never dreamed that the famous Five Civilized Tribes, once so prosperous, had sunk into such poverty and distress, until I beheld with my own eyes what our removal of restrictions has brought about.

Mr. Kelsey, Mr. Mott, Mr. Gresham, Commissioner Wright and all the other loyal men now engaged in fighting a heroic battle in Oklahoma are powerless unless Congress will do for the Oklahoma Indians today what it should have done several years ago.

Our public men should realize that unless we afford the protection to which these poor people are clearly entitled by every law of both God and man, we will plunge the remnants of the famous Five Civilized Tribes into the depths of despair. It is not mere rhetoric, it is not an exaggeration, but on the contrary it is the cold, naked truth that unless we revolutionize and remedy conditions in the State of Oklahoma, we shall have tens of thousands of homeless paupers to support.

FINALLY.

Much has been omitted that might have been said. Force, intimidation and even murders have been resorted to in order that valuable property might be obtained. But I have presented sufficient evidence to convince any man or woman alive to the humanities, that we must do something for our Red Brother in Oklahoma.

The suggestions made by those best qualified to pass judgment on the existing conditions in Oklahoma should be made the subject of remedial legislation, and delay in instituting needed reforms cannot but result disastrously. These suggestions, as they have come to me from many sources worthy of consideration, may be briefly stated as follows:

A. The homesteads of restricted Indians among the five tribes should be definitely restricted from alienation for a fixed period of not less than 25 years unless the allottee dies before the expiration of the term, and during the restricted period a homestead should not be leased without the approval of the department, and only in the case of aged or incompetent Indians, or of minors during their minority until they reach the age when they can occupy and cultivate the land.

B. The remaining lands of the five tribes now held in common should be kept intact until provision can be made therefrom for homesteads for Indians who have been dispossessed, and are now homeless, and without means of livelihood.

C. Personal property of certain character, including livestock and farming utensils, purchased for restricted Indians from funds held by the United States in trust for them, should be so restricted by retaining the legal title thereto in the United States or in some other matter, that such restricted Indian may not be able to sell or mortgage such personal property improvidently and thereby become deprived of its possession and use in improving his homestead.

D. The jurisdiction of the probate courts in guardianship matters should be so changed as to safeguard the property of minor and incompetent Indians.

E. The sales of inherited allotments by restricted Indians should be authorized and approved only after proper appraisal and a judicial hearing after public notice, or the sales should again be made subject to approval of the Department of the Interior.

F. Action should be taken to correct if possible the inequalities of the present operation of oil and gas leases so that all the Indians in the respective tribes may share in the mineral wealth of the land, rather than a few individuals of the tribe.

G. The authority now vested in Superintendent Kelsey should be increased in certain matters, especially in the approval and supervision of agricultural leases, and more funds should be made available to enable the agency to extend its work and provide for the health of the Indians.

H. The district agent force should be increased to enable the field work to be properly administered.

It matters not whether we American citizens live in states other than Oklahoma. We cannot evade our responsibility. The Indian, our ward to whom we vouchsafed the advantages and blessings of our own civilization, has deeded to us his great country. He has kept the faith. We have thrice broken our pledged word—and we would not dare to do so to an European power. The Indian of Oklahoma lies crushed to earth, smitten by our own hand. Shall we raise him up, or shall we, like that one of long ago, who, when his brother's blood cried out unto the Lord from the ground, returned the answer of Cain—

“Am I my brother's keeper?”— —?

APPENDIX A.

INDIANS AND TAXES.

A prominent citizen of Oklahoma, who is not employed by the Government, and is interested simply in the welfare of the Indian, has written a letter to Governor Lee Cruce, in which he sets forth the deplorable situation of Indians who have fallen afoul of the dealers in tax titles. I can give no better idea of the situation than to quote from a letter written March 24, 1913. I purposely omit all names:

“Our Revenue Laws are probably alright for an old community, but they fall far short of the requirements in the Old Indian Territory portion of the State of Oklahoma. You of course understand that it will take some time to acquaint the allottees of the Five Civilized Tribes with the Land Tax requirements and conditions. The Indian knows nothing whatever about paying taxes on land and he is therefore naturally an easy prey to the fellow who buys Tax Certificates and gets Tax Deeds. In the first place the Indian

is not sure as to whether or not he must pay taxes. Some lands are taxable and others are not and the same Indian may find that he is required to pay taxes on one tract of land and needs pay no taxes on other lands. The condition is such that it is easily a trap for him. As a result his taxes become delinquent, a Tax Certificate is issued, later a notice appears in a newspaper printed in the English language which he can probably not read, and before he knows it he finds that the County has made a Tax Deed to some fellow on his farm and that his tenant has been intimidated into renting from the man who holds the Tax Deed. If he wants to pay the small amount expended the money is refused and he is politely informed that if he brings suit the case will be carried through the higher courts and the property kept in litigation as long as lawyers, adept in dilatory tactics, can keep it thus tied up. Sometimes these tax deed pirates are willing to take back their money with 18 per cent interest and all their expenses, together with what they call a "bonus" ranging from \$50.00 to \$500.00. At other times they are able to frighten the Indian into accepting a small amount and executing a valid conveyance.

"Not only does the above condition exist as to adults' lands but it also exists as to property owned by children. The law gives the child until one year after it becomes of age in which to redeem its land from tax sale, but nevertheless you will find, upon investigation, that deeds are issued within the same time as is required to elapse in the case of an adult. These tax deeds on minors' lands seem to be particularly favored by some of these tax title buyers. They take the position that there is seldom any one to interfere. Only lands are taxable from which restrictions are removed. If one of these fellows gets a deed on this unrestricted land he takes possession at once and the child then has not land upon which money can be raised to make a fight against him. If a guardian is appointed the chances are that the guardian will not get possession of enough land to enable him to raise sufficient funds to even make a tender of the amount of tax money paid by the tax deed holder. If he is able to raise the money the tax man will wear him out in Court before giving up the land. His policy is to take possession of the property, make improvements of some character, hold the lands, and try to keep the litigation alive as long as possible in the hope that the child will either arrive at age and compromise with him, or that pneumonia or tuberculosis will come to his assistance and permit him to get quit claim deeds at a small amount from the child's heirs. He does not make the improvements on the land in order to increase his revenues. He does that because he can make a claim for all improvements made on the property in case the child should recover a judgment cancelling his tax deed.

"Some of these fellows engaged in this despicable work place leases on record as soon as they get their tax deeds and frequently make conveyances to parties residing in some other State and thereby complicate matters as much as possible. I even know one who seems to have adopted the policy of answering no letters in regard to these tax matters. I have written him several times, enclosing self-addressed stamped envelope for reply but always fail to hear from him. He keeps an office but very seldom is he to be found. He is usually 'out of town.'

"The Clouding of titles in this matter is deplorable in the extreme. The State of Oklahoma ought not to be a partner in robbing its most ignorant and improvident citizens. The greed of some of these tax title buyers is nauseating. Their conduct of grabbing possession of infants' property and insisting upon exacting what they term 'Bonus' money, should be made a crime as it is nothing more or less than extortion."

APPENDIX B.

SOME NOTES ON THE McMURRAY CONTRACTS.

On June 25th, 1910, a selected committee was appointed by the House of Representatives for the purpose of investigating Indian contracts with the Five Civilized Tribes and the Osage Indians of Oklahoma. The immediate cause of this investigation was a charge made in the United States Senate by Senator T. P. Gore of Oklahoma to the

effect that he had been offered a bribe by an associate of Mr. McMurray to withdraw his objection to the approval by Congress of certain contracts that Mr. McMurray had at that time pending for approval. A full report of the proceedings of the above mentioned committee, together with the findings of the committee and copies of all papers submitted in evidence, will be found in House of Representatives' Report, No. 2273, 61st Congress, Second Session. The report is in two volumes.

At page 1164 of the second volume, marked "Exhibit 15" is a copy of the so-called "McMurray Individual Contract" covering tribal property. The form of the contract is as follows:

"McMurray Individual Contract Covering Tribal Property.

This agreement between certain members of the Choctaw and Chickasaw nations and J. F. McMurray, an attorney at law, residing at McAlester, Oklahoma, witnesseth:

That said members of the Choctaw and Chickasaw nations, executing this contract, and said J. F. McMurray are the parties in interest thereto; that the purpose for which this agreement is made is to secure the services of said J. F. McMurray in the prosecution before the courts or elsewhere of all the unsettled claims of the Choctaw and Chickasaw people against the United States, and for compensation therefor, and to secure his services in procuring the sale of all the undivided property of the Choctaw and Chickasaw people.

That the special thing to be done by the said J. F. McMurray is to prosecute said claims before the courts of the United States or before the Congress of the United States, as in his judgment may be necessary; to represent such members of the Choctaw and Chickasaw nations as their representatives and attorney in the sale of all their undivided property of whatsoever character. Said J. F. McMurray is to receive as his compensation therefor ten per cent of all funds derived by us from the amounts collected from the United States Government in settlement of the various claims due by the United States to the Choctaw and Chickasaw people, and also ten per cent of the amount received by said Choctaw and Chickasaw people for all property of whatsoever kind, held in common by them, when said property shall be sold; and said J. F. McMurray is hereby authorized to draw the compensation above provided for out of the Treasury of the United States when any claims of Choctaws and Chickasaws against the United States have been adjusted and the proceeds placed in the Treasury of the United States to the credit of the tribes, and when any money hereafter realized from the sale of the tribal property has been placed in the Treasury of the United States.

Provided, however, That said J. F. McMurray is to pay all expenses connected with his work in prosecuting these claims or in seeking to bring about the sale of said property, and is to receive no compensation except as above specified.

That said J. F. McMurray agrees to faithfully and diligently devote himself to the prosecution and settlement of said claims against the United States and to bringing about the sale of the undivided property of said Choctaw and Chickasaw people and the payment per capita of the proceeds therefor to the members of the Choctaw and Chickasaw nations.

That the time for which this contract is to run is five years from October 21, 1908. (Signatures.)"

On page No. 1162 of the second volume of the report is a copy of the Choctaw Tribal Contract with Mansfield, McMurray & Cornish and Cecil A. Lyon. This contract is marked "Exhibit 14,"—a copy of the contract is as follows:

"CHOCTAW TRIBAL CONTRACT WITH MANSFIELD, McMURRAY & CORNISH AND CECIL A. LYON.

This memorandum witnesseth that the parties in interest to this contract are Green McCurtain of Kinta, Choctaw Nation, Ind. T., principal chief of the Choctaw Nation on behalf of said Choctaw Nation, party of the first part, and George A. Mansfield, John F. McMurray, and Melven Cornish, of

South McAlester, Ind. T., and Cecil A. Lyon, of Sherman, Tex., parties of the second part:

That the authority under which this contract is entered into, the scope of such authority, and the reason for exercising the same will appear from an act of the general council of the Choctaw Nation approved July 3, 1905, entitled "An act in relation to the sale of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations," as follows (omitting the preamble):

Be it enacted by the general council of the Choctaw Nation in extraordinary session assembled (the legislature of the Chickasaw Nation concurring), That the principal chief of the Choctaw Nation be, and he is hereby, empowered and directed to take necessary steps upon the part of the Choctaw Nation to bring about the sale of the coal and asphalt lands and coal and asphalt deposits in the Choctaw and Chickasaw Nations segregated as above set out (under the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes), for the highest price obtainable either to private purchasers or to the Government of the United States; and to that end he is hereby empowered to employ counsel or appoint commissioners to represent the Choctaw Nation in all matters connected therewith, and agree on behalf of the Choctaw Nation that the counsel or commission so employed or appointed shall be paid as compensation for their services not to exceed ten (10) per centum of the sum which may be received from the lands and deposits sold, such compensation to be wholly contingent upon a sale being effected, and payable wholly out of the moneys received therefrom.

That the purpose for which this contract is entered into is to secure the services of the said George A. Mansfield, John F. McMurray, Melven Cornish, and Cecil A. Lyon, parties of the second part, on behalf of the Choctaw Nation" to bring about the sale of the coal and asphalt lands and coal and asphalt deposits in the Choctaw and Chickasaw nations for the highest price obtainable either to private purchasers or to the Government of the United States," as provided in said act of the general council of the Choctaw Nation.

That the special thing to be done under this contract by the said parties of the second part is to render their services to the said Choctaw Nation, to the end that the said segregated coal and asphalt lands and coal and asphalt deposits in the Choctaw and Chickasaw Nations may be sold for the highest price obtainable, as provided in said act of the general council of the Choctaw Nation.

That the basis for the services to be rendered, on behalf of the Choctaw Nation by the said parties of the second part, and which they hereby agree to perform, is the failure of the plan of sale provided by existing law to bring about an advantageous sale of said coal and asphalt lands and coal and asphalt deposits, and the wish of the Choctaw Nation and the people that steps be taken looking to the formation of a new and effective plan of sale, before the expiration of the tribal governments of the Choctaw and Chickasaw Nations.

That the compensation of the said George A. Mansfield, John F. McMurray, Melven Cornish, and Cecil A. Lyon, parties of the second part, shall be 10 per cent of the proportionate interest of the Choctaws in the sum of money which may be received from the sale of the said segregated coal and asphalt lands and coal and asphalt deposits, such compensation to be wholly contingent upon a sale being effected, and payable at the Treasury of the United States, wholly out of the moneys received from such sale.

That the fixed time for which this contract is to run is five years from this date.

In witness whereof we have hereunto set our hands at Fort Smith, Ark., on this 21st day of October, 1905."

(Signatures.)

The undistributed portion of the Choctaw and Chickasaw estate is valued at the lowest estimation at \$35,000,000.00. If Mr. McMurray were successful in having these contracts approved he would be entitled to collect under them at least \$3,500,000.00 for doing that which the United States Government is treaty bound to do for the Indians and the doing of which

Mr. McMurray and his associates could not in any manner expedite. As a matter of fact the appearance of Mr. McMurray would hinder rather than promote an early sale of this estate and a distribution of the funds. It seems that Mr. McMurray is not claiming any rights under the contract authorizing him to dispose of the coal and asphalt land which is referred to here as "Exhibit 14," but still contends that the individual contracts, a form of which is referred to as "Exhibit 15" are valid and that he will be in a position to collect from the individual Indians under these contracts as soon as any part of the money arising from the sale of the tribal estate is distributed among the Indians. The Choctaws and Chickasaws have at this time cash to their credit of approximately \$5,000,000.00. This money is the proceeds of the unallotted land of the Choctaw and Chickasaw Nations which has been sold by the Department of the Interior under the supervision of Mr. J. George Wright, Commissioner to the Five Civilized Tribes. According to Mr. McMurray's contracts with the individual members of the tribes he would be entitled to ten per cent of this money, which would be \$500,000.00 of Indian money, and would not have rendered any services or would not have been in a position to render any services to the Indians. Readers will note from the terms of the contract that it is to run for five years from its date, and the date is October 21, 1908, consequently the original McMurray individual contracts will expire October 21st, 1913.

It is contended by some that the form of contract above referred to is not enforceable and is without effect until it has been approved by the Secretary of the Interior. It is further contended that under the legislation affecting contracts with tribal attorneys that the individual contracts would not be good unless approved by Congress. While these arguments are somewhat tenable they are by no means conclusive and disregarding the validity or the invalidity of the McMurray contracts they are made with individuals a great number of whom are unrestricted and should they be paid a portion of their per capita share of the funds arising from the sale of the undistributed portion of the tribal estate Mr. McMurray would no doubt collect from a great number of these individuals the amount due under the contracts without suit, others he would sue individually and if the amount which had fallen due under the contract did not amount to more than \$200.00 for each individual the suit would be brought in the Justice of the Peace court. One can readily see how enormous would be the task of attempting to protect the individual Indian under such circumstances. These are the reasons for concluding that the safest way to handle the McMurray situation is to have the contracts declared void by Congress and fix a penalty on any attempt to collect under them.

Let us change the subject to the claim of Mr. J. F. McMurray against the Choctaw and Chickasaw Nations for a fee of \$27,500.00 due him for his services in the so-called "Freedom Case." This case was won by Mr. McMurray and his associates. The fee according to the terms of their contract with the Choctaw Nation was earned. The fee, however, was not paid for the reason that there seemed to be some misunderstanding in regard to the amount of money expended by the firm of Mansfield, McMurray & Cornish as expenses of their office and expenses of the Citizenship Court while the said firm represented the Choctaw and Chickasaw Nations. For some time Mr. McMurray has made a very resolute attempt to collect this fee. From the congressional report, No. 2273, already referred to above, we learn that outside of the money which this firm received under their regular contract of employment as tribal attorneys they received a fee of

\$750,000.00, notwithstanding the fact that at the time they rendered the services for which this fee was paid they were the general attorneys for the Choctaw and Chickasaw Nations, employed under a contract requiring their entire services, or so much thereof as was necessary for the business of the Nations.

On July 12th, 1912, the Secretary of the Interior replied to a note from the President asking for a reconsideration of the question of a payment of the McMurray fee and for further information on the question. After the Secretary's letter of July 12th, 1912, went to the President there was no further action in this matter until about the first of February, 1913, when it was rumored that the President had directed a re-examination of the question with directions that the question be definitely settled before the close of the administration. On February 25th, 1913, Senator Gore of Oklahoma, with whom friends of the Indians had frequently been in conference on this subject, introduced the following resolution:

"Resolved, That the President be requested, if not incompatible with the public interest, to cause to be transmitted to the Senate copies of all letters, telegrams, reports, opinions, and other documents on file in either the Department of the Interior or the Department of Justice in relation to any contract or claims for fees or compensation on the part of the firm of Mansfield, McMurray & Cornish, or any member thereof, against the Chickasaw and Choctaw Tribes of Indians, which claims are alleged to be due and unpaid and are now pending before the President or any department of the Government; and

Second, To transmit like copies of all such letters, telegrams, reports, opinions, and other documents in relation to any claim on the part of the Chickasaw and Choctaw Tribes of Indians against the firm of Mansfield, McMurray & Cornish, or any member thereof.

Resolved, further, That the President be requested to withhold action on any and all said claims until further action by the Congress or by the courts."

Passed by the Senate February 25th, 1913.

This resolution stopped all action on the part of Mr. McMurray until after March 4th. He is, however, at this time very busily engaged trying to bring about a payment of the \$27,500.00. Friends of the Indians actively contending that there shall be no payment of the \$27,500.00 until there has been a complete settlement of the claim of the Choctaw Nation against Mr. McMurray and his associates for the \$182,848.30 referred to above. The real object was to turn the light of publicity upon Mr. McMurray and those who were assisting him in the attempt to collect this fee.

Efforts to prevent the payment of the \$27,500.00 claim were supported by the Secretary of the Interior, Hon. Walter L. Fisher, and the First Assistant Secretary, Hon. Samuel Adams.

The last subject to be treated under this section of our report is the so-called "leased district" litigation, and readers should consult the Memorial of the Principal Chief of the Choctaw Nation in regard to this subject, which is Senate Document, No. 1007.

The leased district fight is in its infancy. It is a case of vast importance to the Choctaw and Chickasaw people and involves not less than \$10,000,000.00 worth of land and probably as much as \$17,000,000.00 even at the rate that was paid for this land before the opening of Oklahoma. It is very important that the American people understand the nature of the interests involved in order that they may assist in finally eliminating Mr. McMurray. It is hard to get Congress to consider even a just claim if Mr. McMurray appears as a party interested, yet he holds these individual contracts

and while his appearance is at this time preventing a consideration of the leased districts' claim if we are finally successful in having this claim allowed he will attempt to collect ten per cent of the amount recovered. The same is true in regard to other matters. His appearance is delaying the final settlement of the tribal estate and the distribution of funds, yet he will attempt to collect ten per cent of the amount distributed and will claim credit for having brought about the distribution.

The principal issues between Mr. McMurray and the Indians are:

First.—A law must be enacted which will invalidate the individual contracts which Mr. McMurray holds and fix a penalty as a punishment for any attempt to enforce these or any other contracts of the same nature.

Second.—Mr. McMurray must not be paid the \$27,500.00 for services in the so-called "Freedman Case" until the claim of the Nations against him and his associates for \$182,848.30 has been settled (this must be settled by the Department of the Interior as the Nations are without legal capacity to sue).

Third.—Mr. McMurray must not be allowed to appear as attorney for the Choctaw and Chickasaw Nations or any class of citizens of said Nations in the prosecution of the so-called leased district claim.

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